



GREENWOOD COMMON COUNCIL MARCH 15, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Steve Schellin of the Community Church of Greenwood led in prayer.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Deputy Clerk-Treasurer Kathie Fritz; and City Attorney Shawna Koons-Davis.
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Mr. Bates moved to accept the minutes of March 1st, with second by Mr. Hardin. Mr. Armstrong discussed the red-line corrections distributed to members. Vote: Ayes.

Jerry Sargent of the Economic Development Commission introduced Brent Tilson of Tilson H.R., which was started in 1995. The company helps small- and medium-size businesses survive and grow. Mr. Tilson explained that the company gives advice, programs and administration related to human resources and gave a brief history.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that the Wal-Mart issue was continued at the last Plan Commission meeting as some new information was presented. He expects the vote to come next Monday night.

Mr. Deer stated that the tax abatement committee had another meeting and received additional information. There was also a new member – John Mulvey. A follow-up meeting is set for March 25th, with the primary focus to be a presentation by Planning Director Ed Ferguson concerning zoning and the east side. Mr. Deer provided a map, put together by the law department, to the committee that showed where tax abatement has occurred over the years.

Mr. Gibson reported that the Solid Waste Management Committee received approval to check on the square footage in the basement of their building to check on expanding their facility. Heavy trash pickup for appliances and tires, etc. is scheduled for next month at the Johnson County fairgrounds. Advertisement will be in the local papers.

ORDINANCE No. 04-09 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately .68 Acres Located at the Southwest Corner of S.R. 135 and Smith Valley Road, and Commonly Known as the Schoolcraft Development, Inc. Property. **POSTPONED UNTIL APRIL 19, 2004 MEETING AND PUBLIC HEARING.**

ORDINANCE No. 04-10 – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Improvement Fund (\$1,600,000) to the Board of Public Works and Safety for Reconstruction and Repair of a Portion of Streets Located in the Valle Vista Subdivision. The City Attorney discussed a proposed amendment, and at her suggestion Ms. Reed moved as follows:

By replacing all references to “Valley Oaks Road” with “Hacienda Road” throughout the ordinance.

In the second WHEREAS clause by deleting the following amount “3,400,000” and replacing it with “3,190,724”.

In the seventh WHEREAS clause by deleting it in its entirety and replacing it with the following clause:

“WHEREAS, the Common Council is committed to repairing and reconstructing all streets in the Valle Vista and Northern Park Subdivisions by the end of 2007, provided that future funding of the Cumulative Capital Improvement fund is equal to or exceeds the current funding.”

Second by Mr. Armstrong. Vote: Ayes. **AMENDED.** Mr. Hardin then moved to pass Ordinance No. 04-10 as amended. Second by Ms. Reed. Mayor Henderson opened the public hearing. He told the Council that he had learned this afternoon that the Clerk-Treasurer had asked Reedy & Peters to do a financial analysis of this plan.

Eric Reedy gave an update first on the budget, reporting that the State had increased all the revenues as requested and reinstated the appropriations that were requested. He explained that the Clerk-Treasurer had wondered about the financial impact of Ordinances 04-08 and 04-10, and with that in mind he prepared an analysis (in the attachments of this meeting). Figures from the last three years are included along with projections for 2005 and 2006. The presentation and questions followed. Jeff Peters then discussed the fiscal impact of the revisions that were made to Ordinance No. 04-10. He projected a “drag” into the CCD fund in 2007 would amount to about \$200,000 if the 2004 level is maintained in CCI. The Mayor had passed out estimates on special projects that would not be included in the bond issue for Valle Vista and Northern Park (in attachments of this meeting) as requested by Mr. Hardin, that total \$1.5 million.

This led to discussion of the possibility of a lease payment for a new City Building. Mr. Peters said that a lease/rental payment would not begin until substantial completion of the project – probably a one-year delay of when the tax appears on the tax rolls. Lease/rentals do not count against the constitutional debt limitation.

Street Superintendent Greg Owens spoke next in favor of the Mayor’s proposal. He asserted that his crews would be free to do work in other areas of the City.

From the audience, Scott Jones of 655 Green Meadow Drive, liked the fact that at the last meeting the efficiency of the Street Department crews was highlighted. He wondered about the possibility of hiring more people for the street department for these larger projects. Mayor Henderson commented that we are not set up with the equipment to do this sort of project. If we would fund the manpower and the equipment for a major project, there would be nothing left for material or anything else in the City.

Mike Gerrish of 988 Spring Meadow Drive mentioned the deterioration of the streets in Country Aire, just since winter. His concern, he continued, is that we spend the money that we have on hand to do the work for Valle Vista and the larger communities. Mr. Gerrish said he is also concerned with reports that the State is going to balance its budget by withholding payments to county and local governments sometime within the next 15 months. If we take money we have on hand, he wondered if we would be in even “tighter” situations.

The Mayor, mentioning that there had been reports of a 30% to 40% increase in highway funds, told the Council that did not happen. Senator Lugar had told the Mayor that \$315 million proposed for highway funding had been cut by the President to \$259 million. Mayor Henderson said he hopes that the County will “step up to the plate” and adopt a wheel tax within the next year or two. It was projected by John Price (then highway superintendent), when he spoke a year ago, that our share of that revenue would be between \$700,000 and \$900,000.

As no one else spoke, the public hearing was closed.

Ms. Reed asked about the balance in our utility fund, and Mayor Henderson replied that he did not have the answer but he remembered that money is encumbered for a bond issue. Ms. Reed suggested that Imperial Hills drainage repair should come out of the utility fund. Mayor Henderson said that the utility fund could be used in areas where there is a sump pump issue.

Mr. Deer focused on the amendment to the seventh WHEREAS clause in Ordinance No. 04-10 as the analysis by Reedy & Peters showed that the future funding of the Cumulative Capital Improvement fund would NOT be equal to or exceed current funding. Mr. Peters confirmed that they proposed it go back to the 2002 level of assessed value. Mr. Armstrong indicated that, based on the report by Reedy & Peters, he would review his plan, taking into account their recommendations and the budget balances. He then

proposed passing both ordinances (04-08 and 04-10) with the intention of defeating one at the next meeting, which would give the Council the ability to analyze the report by Reedy & Peters.

Mr. Hardin asked if following the recommendation by Reedy & Peters to appeal the maximum property tax levy limitations would make Mr. Armstrong's proposal possible. Mr. Reedy said he would want to look at every possible appeal for which the City would qualify. He also stressed the need for the City to have a major capital project to replace the City's current property tax debt (projected loss to the City would be \$549,000).

Mr. Gibson expressed his concern with overlapping projects – starting one before another is completed. He noted that if we pass the bond we will be on track. Mr. Bates mentioned that he sees City employees as part of the big picture and discussed salaries. Mayor Henderson replied that since he has been here the Council has always taken care of the employees. He said that the levy growth has been able to offset the employee benefit package and went on to discuss the growth of CCI after several years. At this point, Mr. Hardin suggested tabling Mr. Armstrong's proposal and further study Reedy & Peters' projections. Mr. Deer responded that companies are already putting contracts together and tabling would mean further delay. Bond sale could be by the end of April if passed. Mr. Deer asserted that the Council should conclude this decision by the next meeting. Mr. Bates agreed. Vote: Ayes – Bless, Deer, Hardin, Reed, Armstrong, Bates; Nay – Gibson. **ORDINANCE No. 04-10 PASSED FIRST READING AS AMENDED.**

RESOLUTION No. 04-07 – A Resolution of the Common Council of the City of Greenwood, Indiana Authorizing the Reimbursement of Certain Expenditures Made Prior to the Issuance of Long-Term Financing. Sue Beesley clarified that the resolution concerns anything that has been paid with respect to the project, and to her knowledge nothing has been paid. Mr. Deer wondered what expenses have been incurred. If the bond issue moves forward, those would be paid from bond expenses, noted Ms. Beesley. Mr. Deer moved to pass Resolution No. 04-07 on first reading. Second by Mr. Gibson. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 04-08 – A Resolution Authorizing Appropriation of Proceeds of Bonds For the Purpose of Providing Funds to be Applied to Pay for the Construction and Maintenance of Public Ways, and Incidental Expenses in Connection Therewith and on Account of the Issuance of the Bonds. Mr. Gibson moved to pass Resolution No. 04-08 through first reading. Second by Mr. Bless.

Mayor Henderson reconvened the public hearing. As no one spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 04-09 – A Resolution of the Greenwood Common Council Authorizing the Filing of a Grant Application With the Indiana Criminal Justice Institute and/or the U.S. Department of Justice for Funds to Purchase and Install a Video Conferencing System for the Greenwood City Court. Mr. Hardin moved to pass Resolution No. 04-09 on first reading. Second by Mr. Bates. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 04-10 – A Resolution of the Greenwood Common Council Expressing Interest in Purchase of Land. Mr. Bates moved to pass Resolution No. 04-10 on first reading. Second by Mr. Bless. Vote: Ayes. Mr. Deer left the meeting briefly at this point. **PASSED FIRST READING.**

The Council recessed at 8:50 p.m. and reconvened at 9:05 p.m.

RESOLUTION No. 04-05 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately .68 Acres Located Along the Southwest Corner of S.R. 135 and Smith Valley Road, Referencing Annexation Ordinance No. 04-09. Mr. Bates moved to pass Resolution No. 04-05 on second reading. Second by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 04-06 – A Resolution of the Greenwood Common Council Regarding the Need to Lease Office Space for Various City Departments. Mr. Bless moved to pass Resolution No. 04-06 through second reading. Second by Mr. Gibson. Mayor Henderson reported that the departments in the bank building will be moving to the Mission Hills area on Emerson. At this time, Law, Engineering and Planning departments will move to the new building and Human Resources will move to the City Building. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-11 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 68 acres of land located south of Cutsinger Road and east of Honey Creek Road, commonly known as the Komari Property). Attorney Bob Wildman represented Greg Allen Companies, and explained that they are not seeking annexation. Mr. Wildman reported that the Plan Commission approved the petition by a vote of 7 – 1. The land is currently zoned R-2, as is the adjacent property. The comprehensive plan suggests a density of 2.5 to 3.5 units per acre, commented Mr. Wildman, explaining that they are requesting rezoning to R-2A. They have developed a conceptual plan, also in the packet. The plan provides for 157 lots and a substantial amount of common area. Eighty-foot lots will abut the roadways with seventy-foot lots in the remainder of the subdivision. Mr. Wildman went on to discuss the commitments, including a commitment to 157 lots, or a density of 2.3 homes per acre – less than what the comprehensive plan calls for. This led to more discussion. **INTRODUCED.**

RESOLUTION No. 04-11 – A Resolution Transferring Money From the Cumulative Capital Improvement Fund – Cigarette Tax to the General Fund (\$150,000). Ms. Koons-Davis reminded the Council that this transfer was authorized at the last meeting. **INTRODUCED.**

Under miscellaneous business Mr. Bates indicated he had received letters on Wal-Mart concerns and forwarded them to the Clerk-Treasurer's office. He next mentioned an article in the *Daily Journal* saying that Greenwood is taking steps to transform Worthsville Road and asked about the firm of Edwards & Kelcey being contracted. Planning Director Ed Ferguson explained that the firm has been hired to study the realignment of 750 and 700N west of Averitt Road. He confirmed that the funding was in the Planning Department budget and the Board of Works approved the concept.

Mr. Hardin next discussed a proposed policy for use of City-owned vehicles for review by the Council and Mayor. He also asked for an update on the City Employee handbook. The Mayor replied that it is at the printer and in process. Mr. Armstrong mentioned Dick's Sporting Goods grand opening. Mr. Gibson asked Mr. Ferguson about the report in the paper that Carmel will not allow vinyl siding on new buildings. They are to debate that this evening. Mr. Hardin noted that builders are adhering to the code, while Mr. Ferguson asserted that vinyl siding has been used in Carmel quite a bit in the last few years.

Mr. Deer suggested that when Wal-Mart comes before the Council that the meeting be rescheduled elsewhere to accommodate a large crowd. Ms. Koons-Davis reminded the Council that it will have to be postponed for 60 days because it is an annexation. It appears that June 7th would be the first reading.

At this time, Mr. Deer moved to find that Nachi is in substantial compliance with their Statement of Benefits. Second by Mr. Gibson. Mr. Armstrong summarized that Nachi is paying 1/3 the number of projected employees twice the projected salary a year. Vote: Ayes. Motion carried.

Regarding Sedgwick Properties, Mr. Bless moved to find them in substantial compliance. Second by Mr. Deer. They exceeded the expected number of employees. Vote: Ayes.

Mayor Henderson discussed a letter he received from the cable company. A meeting still is to be set up.

Ms. Koons-Davis presented Uniform Conflict of Interest Forms from:

John Gibson, regarding Gibson Enterprises concerning any profit he might get from business with the City, and

Susan Hessman, spouse of Chief of Police Albert Hessman and part-time transcriptionist with the Police Department, for any interest she might have in his earnings, and

Albert Hessman, for his wife Susan, for any interest he might have in her earnings.

Mr. Hardin moved to accept these Uniform Conflict of Interest Statements with second by Mr. Bates. Vote: Ayes. Motion carried.

Mayor Henderson mentioned that block grants would be a big issue this year, as the State would like to eliminate them. The National League of Cities is arguing against that. It is evident, he concluded, that monies we lobbied for in the past are going to be harder to get, with less available. There was then discussion on the maximum levy.

With no further business, the meeting adjourned at 9:50 p.m.